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ATTORNEYS FOR DEFENDANTS RUTHVEN OIL & GAS, LLC, WENDELL HOLLAND,  
THE WENDELL AND KARI HOLLAND TRUST, AND CIANNA RESOURCES, INC.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re

PROVIDENT ROYALTIES, LLC, *et al.*,

Debtors.

)  
)  
) Chapter 11 Case  
) Case No. 09-33886-hdh-11  
) Jointly Administered  
)  
)

MILO H. SEGNER, JR., as Liquidating  
Trustee of the PR Liquidating Trust,

Plaintiff,

v.

)  
)  
) Adversary No. 11-03385-hdh  
)  
)  
)

RUTHVEN OIL & GAS, LLC, WENDELL  
HOLLAND, THE WENDELL AND KARI  
HOLLAND TRUST, and CIANNA  
RESOURCES, INC.,

Defendants.

**RUTHVEN OIL & GAS, LLC'S RESPONSE TO PLAINTIFF'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

TO THE HONORABLE HARLIN D. HALE, U.S. BANKRUPTCY JUDGE:

Comes now defendant, Ruthven Oil & Gas, LLC ("Ruthven"), and files this its Response

to the Motion for Partial Summary Judgment [Docket No. 72] ("Motion") filed by Plaintiff Milo H. Segner, Jr. ("Plaintiff").

### **I. Response**

1. Pursuant to Rule 7056-1(d) of the Local Rules of Bankruptcy Procedure, the legal and factual grounds upon which Ruthven relies in opposing the Motion are set forth at length in its Brief.

### **II. Supporting Brief**

2. In accordance with Rule 7056-1(e) of the Local Rules of Bankruptcy Procedure, this Response is supported by a separate Brief (the "Brief") setting forth Ruthven's the contentions of fact and/or law, and arguments and authorities, in support of this Response.

### **III. Supporting Appendix**

3. In accordance with LBR 7056-1(f), this Response is supported by an Appendix. Citations herein and in the Brief to Ruthven's Appendix are reflected as "Def. Appx." followed by the relevant page number(s). The materials included in Ruthven's Appendix include the following:

<b>Tab</b>	<b>Description</b>	<b>Page Nos.</b>
<b>APPENDIX MATERIALS</b>		
1.	Declaration of Daniel L. Jackson	000001-000015
2.	Attachment 1: Expert Report of Daniel L. Jackson dated November 15, 2013 as amended by Supplemental Expert Report, dated March 11, 2014.	000016-000097
	Supplemental Expert Report of Daniel L. Jackson, dated March 11, 2014	000098-000106
3.	Attachment 2: Expert Report of Daniel L. Jackson, dated April 9, 2012	000107-000185
4.	Declaration of David N. Phelps in Support of First Day Motions	000186-000212
5.	Revolving Promissory Note and Loan Agreement dated October 12, 2007	000213-000249

Tab	Description	Page Nos.
6.	Declaration of Mark Miller	000250-000270
	Miller Exhibits 1	000271-000670
	Miller Exhibits 2	000671-001020
	Miller Exhibits 3	001021-001329
7.	Declaration of H.R. Smith	001330-001339
8.	Declaration of Debbie Laprade	001340-001341
9.	Declaration of Dennis Palmer	001342-001345
10.	Declaration of Loretta Ponce	001346-001348
11.	Confidential Private Placement Memorandum by Provident Royalties, LLC	001349-001376
12.	S&P Preferred Stock Primer	001377-001385
13.	Deposition of Dennis L. Roossien, Jr. dated June 30, 2014	001386-001409
14.	Affidavit of Wendell Patrick Holland	001410-001465
15.	Broker Agreement	001466-001497
16.	Sub-Broker Agreement	001498-001516
17.	Master Purchase and Sale Agreement	001517-001524
18.	Adoption Agreements pages 1-500	001525-002024
	Adoption Agreements pages 501-750	002025-002274
	Adoption Agreements pages 751-1217	002275-002741
19.	Owen M. Barnhill June 24, 2014 Deposition Excerpts	002742-002783
20.	Barnhill Expert Report dated November 7, 2013	002784-002798
21.	John P. Coughlon June 9, 2014 Deposition Excerpts	002799-002826
22.	Coughlon's Initial Spindletop Opinion dated January 22, 2014	002827-002845
23.	Coughlon's CV and Summary dated February 11, 2014	002846-002849
24.	FINRA Examination Final Letter dated December 22, 2008	002850-002854
<b>CASES IN BRIEF WITH LEXIS CITATIONS</b>		
25.	<i>Gold v. First Tenn. Bank, N.A. (In re Taneja)</i> , 2012 Bankr. LEXIS 3554 (July 30, 2012)	002855-002871
26.	<i>Kapila v. Phillips Buick-Pontiac-GMC Truck, Inc. (In re ATM Fin. Servs., LLC)</i> , 2011 Bankr. LEXIS 2394, (Bankr. M.D. Fla. June 24, 2011)	002872-002882

Tab	Description	Page Nos.
27.	<i>O'Chesky v. Horton (In re Am. Hous. Found.)</i> , 2011 Bankr. LEXIS 3837 (Bankr. N.D. Tex. Sept. 30, 2011)	002883-002911
28.	<i>SEC v. Management Solutions, Inc.</i> , Civil No. 2:11-CV-1165-BSJ, 2013 U.S. Dist. LEXIS 120277 (D. Utah Aug. 22, 2013)	002912-002933
29.	<i>Smith v. Woodforest Nat'l Bank (In re IFS Fin. Corp.)</i> , 2007 Bankr. LEXIS 4708 (Bankr. S.D. Tex. May 3, 2007)	002934-002941
30.	<i>Templeton v. O'Chesky (In re Am. Housing Found., Inc.)</i> , 2014 U.S. Dist. LEXIS 51415 (N.D. Tex. Apr. 11, 2014)	002942-002945
31.	<i>Welt v. Publix Super Markets, Inc. (In re Phoenix Diversified Inv. Corp.)</i> , 2011 Bankr. LEXIS 4100 (Bankr. S.D. Fla. June 2, 2011)	002946-002952
32.	<i>Williams v. BBVA Compass Bank (In re Positive Health Mgmt.)</i> , 2012 U.S. Dist. LEXIS 127520 (S.D. Tex. Sept. 7, 2012)	002953-002955

4. In addition, Defendants sometimes cite to material included in the Plaintiff's Appendix in Support of Trustee's Motion for Partial Summary Judgment [Docket No. 74]. Citations herein and in the Brief to Plaintiff's Appendix are reflected as "Plaint. Appx." followed by the relevant page number(s).

#### **PRAYER FOR RELIEF**

Ruthven respectfully requests that the Court enter an order denying the Motion in its entirety and granting Ruthven all such other and further relief to which it may be justly entitled.

Dated: July 18, 2014

Respectfully Submitted,

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served via ECF Electronic Notice, via first class mail, and via email on the parties listed below on this the 18th day of July, 2014.

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/s/ Jeff P. Prostok

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